

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RODNEY MCCRAY,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO.
LIFE INSURANCE COMPANY OF)	2:06-CV-987-WKW
NORTH AMERICA; TYCO)	
INTERNATIONAL, INC.,)	
)	
Defendants.)	

**JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES
INCLUDING TRIAL**

Plaintiff Rodney McCray and Defendants Life Insurance Company of North America (“LINA”) and Tyco International, Inc. (“Tyco” or collectively “Defendants”), by and through their undersigned counsel, jointly move the Court for an Order extending the current remaining deadlines in the Uniform Scheduling Order of January 18, 2007 and the Amended Scheduling Order of January 23, 2007, including a trial continuance. In support of this motion, the parties state as follows:

1. The current Scheduling Order for this case sets the dispositive motion deadline as June 13, 2007, the discovery deadline as August 27, 2007, a pretrial conference for September 10, 2007, and the trial during the term of Court commencing on October 15, 2007 in Montgomery, Alabama.

2. The parties have engaged in settlement negotiations and made progress to date. The parties have now agreed to engage in formal mediation and believe that this matter can be resolved through mediation. Currently, the parties are working to identify a mutually agreeable date for private mediation.

3 The parties would like to focus their efforts on settlement prior to expending additional resources in meeting the litigation deadlines in this case, including preparing cross-motions for summary judgment on June 13, 2007. Counsel for Plaintiff also has a non-refundable family vacation scheduled for the second week of June and would request an extension of this June 13, 2007 for this reason as well.

4. Accordingly, the parties request that the remaining deadlines set forth in the current scheduling order be extended. Although the parties do not anticipate needing more than a sixty day extension, Judge Watkins' next non-jury civil trial term setting is not until February 25, 2008. Therefore, the parties jointly request that the trial of this matter be reset for term of Court commencing February 25, 2008 and that all other remaining deadlines be adjusted respectively. This would suggest that the pretrial conference be set in January 2008, the dispositive motion deadline in September or October 2008, and the discovery deadline in November 2008.

WHEREFORE, the parties respectfully request an extension of all remaining deadlines, including trial, in the current Scheduling Order.

/s/ Grace R. Murphy
William B. Wahlheim, Jr.
John David Collins
Grace Robinson Murphy
Attorneys for Defendants Life Insurance
Company of North America and Tyco
International Inc.

OF COUNSEL:
MAYNARD, COOPER & GALE, P.C.
2400 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203-2602
(205) 254-1000

s/ John M. Pennington
John M. Pennington
Attorney for Plaintiff Rodney McCray

OF COUNSEL:
THE PENNINGTON LAW FIRM
4000 Eagle Point Corporate Drive, Suite 100
Birmingham, AL 35242-1901
(205)314-5735